

REMARKS/ARGUMENTSInformation Disclosure Statement

Enclosed please find a listing of references "submitted in a separate paper" per 37 CFR 1.98(b).

Drawings

Enclosed please find an amended replacement drawing for Figure 3 (with Fig. 4 per immediate prior version). The center of the golf hole remains 26. The image on the screen of the center of the golf hole has been changed to "36".

Also enclosed is a replacement paragraph from page 10 of the specification, where in line 24, the intended target line on the display screen was changed from 26 to 36.

Claim 10 Objection Under 37 CFR 1.75(d)(1) and MPEP 608.01(o)

In the amended Claims 1-17 enclosed, "50 grams", which was not described in the specification, was removed. Specification page 10, lines 6-7, describes "a weighting means to provide stability against unintended movements...." but does not state a specific amount of weight.

Claims 1-13 Rejections Under 35 USC 112 (indefiniteness) with Amended Claims 1-13

Reference is made to the enclosed amended claims 1-17 which we believe eliminate the basis of the 35 USC 112 rejections. Applicant appreciates the claim structure suggestions and examples provided by Examiner for this pro se application.

Inclusion of Claims 14-18

PTO Mail Stop Missing Parts requested substitute pages 1, 12, and 13 which originally contained hand lettering. Pages 12 and 13 contained original claims 1-13. Applicant did not withdraw page 14 containing claims 14-18 which remain pending. Examiner did not address these claims in his June 15, 2004 initial Office Action. Perhaps original page 14 was missing from Examiner's internal copy of the application.

Claims 14-18 Amendments

Original Claim 16 is hereby withdrawn as it is now redundant with Claim 1 which was reworded to remove the 35 USC 112 "indefinite" objection previously discussed.

Original Claims 12 and 13 were renumbered as 10 and 11 with original 10 and 11 now 12 and 13 to present them in a more logical order. Original Claims 17 and 18 were renumbered 16 and 17, respectively, with the removal of original Claim 16 per above.

Rejection Under 35 USC 102

The Examiner has rejected Claims 1, 2, 6 and 9 under 35 USC 102 as being anticipated by Halsey et al. (5,725,439).

Applicant refers Examiner to the subject specification pg. 3, lines 21-24, lines 30-36; pg. 4, lines 17-25; pg. 5, paragraph 2 which references Halsey 439; pg. 8, paragraph 1-2; pg. 9 paragraph 5; pg. 11, lines 1-12; and Fig. 4 which describe the major differences between Halsey '439 and the present invention.

With respect to Claim 1, Halsey shows a laser attached to the face of a club, but unlike the present invention, his device: 1) substantially alters the visual and aiming appearance of the club and ball when viewed by a user from above. It does not provide the visual appearance of a golf ball and club when viewed from above, 2) Halsey, like other prior art devices, and unlike the present invention, is shaft angle sensitive (in the vertical plane normal to the club face). If the user moves his hands (and shaft) forward or backward just a small amount, the light beam hits the ground in front of the target or shoots over the target. This makes multiple blind aiming tests impossible. The user sees the ground light strikes and uses this to "correct" his next aim, 3) Halsey '439 is substantially more difficult to attach and align than the present invention. The "stick on" clubface mount must be horizontally applied and then the device must be toe-heal centered (via the disassembly and replacement of spacer rings) and finally the barrel must be rotated to get the beam parallel to the ground (which is immediately lost when the user even slightly alters his stance or the shaft to ground angle). The subject invention is, therefore, not described in Halsey '439.

With respect to Claim 2, the focused beam is a visible light laser (one of the several alternative focused beam sources of the present invention), but Halsey's laser device, unlike the present invention, lacks: 1) the visual appearance of a golf ball when viewed by the user from above, 2) elimination of shaft angle beam sensitively via detachment (face contact only) or flexible attachment in the vertical plane normal to said clubface of the device to the clubhead, and 3) ease of use with accurate alignment of device to clubface via face contact (no attachment) or flexible attachment. Claim 2 is

dependent on Claim 1 which was not described in Halsey '439 per the Claim 1 discussion above.

With respect to Claim 6, the Halsey device is rigidly attached to the putterhead. The device of the present invention (Claim 6) is only rigid with respect to horizontal plane rotation while remaining flexibly attached in the vertical plane normal to said clubface, thus eliminating the shaft angle sensitivity of the prior art (including Halsey) as previously discussed and referenced in the subject specification. The wording of Claim 6 is amended herein to clarify this important distinction described in the specification (pg. 3, lines 30-36; pg. 4, lines 17-18; pg. 5, lines 21-22; pg. 8, paragraph 2; pg. 11, lines 1-12; and Fig. 4, element 32 and 33). Halsey also lacks the golf ball like appearance and ease of attachment and alignment of the present invention as previously discussed.

With respect to Claim 9, Halsey '439 can adjust his beam height via reattachment of his base (24) or rotating the laser assembly (14), but unlike the present invention, the Halsey beam to shaft angle once set, remains fixed because it is not flexibly attached in the vertical plane normal to the clubface like the present invention. Thus, with Halsey's device, and the prior art, when the user even minutely changes the shaft to ground angle, the laser strikes the ground in front of the target or overshoots the target. Claim 9 is dependent on Claim 1 which is not described in Halsey '439 per the Claim 1 discussion above.

#### Rejection Under 35 USC 102(e)

The Examiner has rejected Claims 1, 2, 5, 7-9, 11 and 12 under 35 USC 102(e) as being anticipated by Hambly (6,759,191). The present invention is distinguished from Hambly '191 in several major ways. Most significantly, the objective and design of Hambly is to determine where a golf ball would go after it is struck by a putter, not where the putter (or other club) is aimed at address before it is struck per the present invention. Putts usually do not go where the putter is aimed at address because of swing faults and errors. Often golfers develop a bad stroke to compensate for aim error at address. Repeatable accuracy is best achieved by both aiming and stroking down the target line. Hambly, unlike the present invention, is of no utility in testing or practicing aim at address because it requires a stroke to activate the device. It would appear to be of limited utility because one could just stroke an actual golf ball on a carpeted floor or green and see just as clearly where the putter was aimed at ball

impact by seeing the direction of ball travel. Hambly requires all of the following elements, none of which are a part of the present invention:

1. a large base (to stand on) including a frame;
2. a stop cushion on said frame;
3. a beam exiting slit on said frame;
4. a socket on said frame;
5. a support ball moving in said socket; and
6. a golf ball attached to said support ball by a shaft.

The only similarity between Hambly and the present invention is a laser embedded into a golf ball like sphere. The present invention when viewed by a user from above, looks just like a golf ball on a green at address. Hambly does not with his base (20), frame (27), stop cushion (24), retainer (25), and protractor (72) all visible from above. The laser outlet head and lens is also visible when the device is in the ready position.

With respect to the claim 1 rejection, Hambly also shows an unattached light source (40), but unlike the present invention it requires a putter stroke for activation, and the six essential Hambly elements above. Hambly has a totally different objective (aim at strike vs aim at address) than the subject invention. The subject invention was, therefore, not described in Hambly '191.

With respect to the Claim 2 rejection, Hambly uses a laser beam like the present invention, but unlike the present invention, requires a putter stroke, the six essential Hambly elements, and has a different purpose or objective and appearance when viewed from above, per the Claim 1 discussion above.

With respect to the Claims 5 and 7 rejection, Hambly is unattached to the clubhead, but requires a putterhead ball strike and the six essential elements, and has a different purpose or objective and optical appearance when viewed from above per the Claim 1 discussion above. Claims 5 and 7 are dependent on Claim 1.

With respect to the Claim 8 rejection, the present invention differs from the reasons discussed above with regard to Claim 1 and Hambly does not claim or describe a means for adjusting, not just maintaining, the beam to ground angle. Claim 8 is dependent on Claim 1 which is not described in Hambly '191 per the Claim 1 discussion above.

With respect to the Claim 9 rejection, Hambly '191 is unattached to a clubhead vs flexibly attached per Claim 9. Claim 9 is dependent on Claim 1 which is not described in Hambly '191 per the Claim 1 discussion above.

With respect to the Claim 11 (now amended Claim 13) rejection, Hambly describes an optionally detachable platform (60) under his frame in Examiner's cited reference of column 3, lines 17-22, but does not describe an "elastomer bottom with small projections" between frame and platform or floor or ground per the present invention. Claim 11 is dependent on Claim 1 which is not described in Hambly '191 per the Claim 1 discussion above.

With respect to the Claim 12 (now amended Claim 10) rejection, Hambly describes a level or mercury switch which activates the beam after the device is contacted by a club stroke. It does not describe a foot activated button or switch per the present invention. Claim 12 is dependent on Claim 1 which is not described in Hambly '191 per the Claim 1 discussion above.

#### Rejection Under 35 USC 103(a)

The Examiner has rejected Claims 3 and 4 under 35 USC 103 (a) as being unpatentable over Halsey '439 in view of Official Notice (obviousness).

Examiner states "...the use of any other type of light mechanism including infrared, radio frequency, or electro-magnetic sources would have been obvious...since Examiner takes official notice of the equivalence of the above listed sources for their use in golf art." Infrared differs materially from the light sources of Halsey and the prior art which all use visible sources. Infrared is not visible. It is only useful when used in conjunction with the backstop (27) of the present invention if and when such backstop is infrared sensitive. Focused beams of radio frequency or electro-magnetic sources are not light sources are not visible and also require a specialized compatible backstop for detection and, therefore, can not be equivalent to visible light sources.

Claims 3 and 4 are dependent on Claim 1 which is not described in or obvious from Halsey '439 per the Halsey vs Claim 1 discussion above.

The Examiner has rejected Claim 10 (now amended Claim 12) under 35 USC 103(a) as being unpatentable over Hambly '191 stating "the device of Hambly appears to weigh above 50 grams." We concur Hambly's device probably exceeds 50 grams, though not for the stated purpose of preventing accidental movement when in use. Claim 10 is dependent on Claim 1 which is not described in or obvious from Hambly '191 per the Hambly vs Claim 1 discussion above.

Claim 13 (now amended Claim 11) is rejected under 35 USC 103(a) as being unpatentable over Halsey in view of Ogden (5,374,063).

Applicant acknowledges a grip area switch is not new to the art or independently patentable. Claim 13, however, is dependent on Claim 1 which is not described in or obvious from Halsey '439 in view of Ogden '063.

**Conclusion**

In view of the above amended Claims and Remarks, it is submitted that the Claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of amended Claims 1-17 is solicited.

Respectfully submitted,



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Amendment to the Drawings

Enclosed please find an amended replacement drawing for Figure 3 (with Fig. 4 per immediate prior version). The center of the golf hole remains 26. The image on the screen of the center of the golf hole has been changed to "36".

Attachment: Replacement Figure 3